

## Statement Against HB 109

Mr. Chairman and members of the committee,

During the last 20 years the US and Canadian Governments have spent millions of tax payers' dollars on researching sex offender re-offense and recidivism. They have also spent many more millions of dollars on the development of empirically validated actuarial risk assessments intended to predict risk for re-offense and to aid in the establishment of appropriate Tier Level Designations, sentencing guidelines, and need for registration. The application of this type of forensic science when sentencing felony sex offenders has proven to be key in establishing public and community safety. It has also been the backbone of Sex offender Registration Policies throughout the United States. HB-109 essentially guts and renders useless the effectiveness of everything I have just described.

Although the label of "sex offender" suggests that individuals who commit sexual offenses are a homogenous population, research clearly suggests this is not the case. Numerous factors of each offender, regardless of offense, go into keeping the community safe through scientifically informed and individualized evaluation, treatment, and supervision. Individually and collectively, these variations highlight the importance of developing policies that recognize the diversity of this dangerous population, rather than attempting to design "one size fits all" sex offender sentencing strategies.

Indeed, when taking into account the goal of increasing public safety through reducing recidivism specialized assessments assist judges and others with making informed, consistent, and objective decisions at the point of sentencing that can enhance sex offender management efforts throughout the rest of the system.

I would like to direct your attention to the amendments on pages 2 and 5, which requires the judge to ignore professional evaluation of sexual offenders during the sentencing process. As you can see, the amendment at the top of page 2, and the amendment in Section #3 of page 5, HB 109 rewrites the statutes requiring empirically validated risk instruments, those described earlier, from being used as aid to Montana judges in assigning tier Level Designations.

In 2008 at the request of the Montana Department of Corrections, Dr. Kurt Bumby PhD, Director for the Center of Sex Offender Management (A Division of the US Department of Justice) conducted a study of the Current Sex Offender Management Practices in Montana. He examined assessment, treatment, and supervision practices. The relevance of this study to today's hearing is in regard to assessment, Tier Level Designations, and sentencing guidelines.

To paraphrase Dr. Bumby:

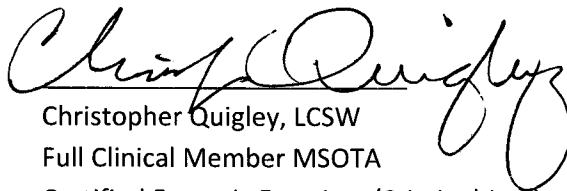
Relative to their counterparts in many other states, stakeholders in Montana are in a unique and enviable position, in that pre-sentence investigations are required by statute (46-18-111, Montana Code Annotated (MCA) for all convicted sex offenders. In addition to a thorough review of current and historical information about the offender, case specific variable, and pertinent records, the pre-sentence investigations in Montana are

expected to include findings from psychosexual evaluations and recommendations regarding treatment in the least restrictive environment-considering risk to the community and the intervention needs of offenders. The existence of these standards and guidelines indicates a high level of commitment in the state Montana to promoting quality evaluations by qualified evaluators.

HB-109 proposes that instead of protecting the public through the use of empirically proven forensic science that we assign tier designations based simply on age of offender, age of victim, or title of offense. To illustrate this point, allow me to use an extreme example of a serial rapist such as Ted Bundy, whose victims where all adult victims. Based on victim age, and without the use of forensic based risk assessments, he would be categorized under HB 109 as a Level I (Low risk) sexual offender.

The citizens of Montana are likely well served by the comprehensive sex offender sentencing structure currently in place, which has a long term proven record of significantly reducing sexual offender recidivism while ensuring public safety. I appeal to the members of the committee to oppose HB -109.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Quigley", written over a horizontal line.

Christopher Quigley, LCSW

Full Clinical Member MSOTA

Certified Forensic Examiner/Criminal Justice Specialist